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December 13, 2022

Via ECF

Hon. Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: *Trustees of the New York City District Council of Carpenters
Pension Fund, et al. v. Anxi Floor Solutions Inc. et al., 22 CV 3631 (MKV)*

Dear Judge Vyskocil:

This firm represents the Plaintiffs in the above-referenced action. We write pursuant to the Order dated December 12, 2022, directing Plaintiffs to advise the Court of whether, in their view, re-serving Defendant C.M.D. Floor Covering, Inc. (“CMD”) mooted, in full or in part, their motion for default judgment. ECF No. 28.

As summarized by the Court in its Order, Plaintiffs filed a letter requesting leave to re-serve the pleadings on Defendant CMD in light of potential service issues identified by the Court during the December 6, 2022 hearing. The Court granted Plaintiffs request and on December 7, 2022, Defendant CMD was re-served by way of service via the New York State Department of State. N.Y. Bus. Corp. § 306. ECF No. 27.

Due to the interconnected nature of the claims underlying the instant action, Plaintiffs believe that the newly effectuated service upon Defendant CMD moots (without prejudice) Plaintiffs motion for default judgment in its entirety. Plaintiffs respectfully request that this Court grant Plaintiffs leave to file a renewed motion for default judgment as against both Defendants should Defendant CMD fail to answer or otherwise defend this action by its deadline to do so. Plaintiffs shall promptly file a request for certificate of default as against Defendant CMD and will file a renewed motion for default judgment against the defaulting defendants no more than two (2) weeks from the date of issuance of the same.



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We thank you for your time and consideration of this matter.

Respectfully submitted,

/s/Adrianna Grancio

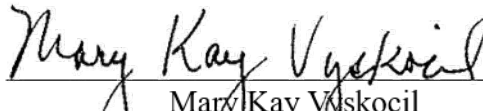
Adrianna Grancio, Esq.

Cc: Anxi Floor Solutions, Inc. (*via certified mail*)
81-18 101 Avenue
Ozone Park, New York 11417

C.M.D. Floor Covering, Inc. (*via certified mail*)
81-18 101 Avenue
Ozone Park, New York 11417

GRANTED. Plaintiffs' motion for a default judgment is denied as moot. The Clerk of Court respectfully is requested to close the motion at ECF No. 16.

Date: 12/13/2022
New York, New York


Mary Kay Vyskocil
United States District Judge